



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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JUN 23 2014

Ref: 8EPR-N

Ms. Phillis Johnson-Ball
Environmental Filing FD 34075
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Supplemental Draft Environmental Impact Statement
(EIS) for the Six County Association of Governments'
(SCAOG) proposed 43.2-mile rail line between Levan
and Salina, Utah; CEQ # 20140142

Dear Ms Johnson-Ball:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Supplemental Draft EIS for the SCAOG's proposed 43.2-mile rail line between Levan and Salina, Utah, prepared by the Surface Transportation Board (STB). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA). Section 309 of the Clean Air Act directs the EPA to review and comment in writing on the environmental impacts of any major federal agency action. As provided in more detail at the end of the letter, our review has resulted in a rating of EC-2 (Environmental Concerns – Insufficient Information).

Project Background

In June 2007, a Draft EIS was issued by the Surface Transportation Board Office of Environmental Analysis (OEA) in cooperation with BLM. After issuance of the Draft EIS, the OEA received comments from several agencies raising concerns about the project's impacts on wetlands. Subsequently, the Applicant conducted an investigation and used the information gathered to develop three new modified alternatives. These new alternatives vary the rail routes in the north area and southern area of the project.

The Applicant's Proposed Action would involve constructing and operating approximately 45 miles of new rail line to serve shippers in central Utah. The rail line would transport bulk commodities and would primarily serve the coal-mining operations of Bowie Resources. Currently, coal from the Bowie Resource's Southern Utah Fuel Company (SUFCO) mine is trucked about 80 miles to the Sharp loading facility near Levan, where it is transferred to rail.

The Applicant's Proposed Action is Alternative B/B2 (the combination of Alternative B in the north and Alternative B2 in the south). The OEA preliminarily concludes that Alternative B3/B2 (the combination of

Alternative B3 in the north and Alternative B2 in the south) would be environmentally preferable to Alternative B/B2 because it impacts the least amount of wetlands and other natural resources. Alternative B3/B2 reduces the amount of wetlands impacted by one acre compared to alternative B/B2.

Comments and Recommendations

In this Supplemental EIS, the STB looked for ways to reduce the environmental impact from this project and identified and analyzed a number of options to minimize the impact to wetlands. We support the B2 rail alignment in the southern area of the project. The B2 alternative avoids almost three quarters (9.2 of the 12.3 acres) of wetlands that would be impacted under the original Alternative B.

The environmental difference between the Alternative B and B3 in the northern area of the project is the impact to a 1.3 acre playa wetland. Playa wetlands provide unique habitats for specialized plants and ecosystems and are considered difficult to replace resources. Whether Alternative B or B3 is proposed for permitting in the northern project area, we recommend the project be designed to maintain hydrologic conductivity throughout the playa wetland.

Our main concern with the Supplemental Draft EIS is that wetland mitigation measures are not provided. The Supplemental Draft EIS Section 4.2 provides numerous voluntary mitigation measures that include best management practices (BMPs). This list includes many BMPs that can help minimize surface water impacts, especially during construction. This section also describes obtaining the Federal Clean Water Act Section 404 permit as a mitigation measure. The permit is a control required by law and stating that the project will require a Section 404 permit does not by itself identify specific mitigation for project impacts. Specific proposed mitigation is important to understanding project's overall environmental impact. By including specific mitigation in the EIS, the lead and permitting agencies can benefit from ideas generated through knowledgeable public and agency reviewers. We recommend the Final Supplemental EIS (as well as the Section 404 permit application) provide more detail on proposed mitigation measures for the loss of wetlands, including the loss of the playa wetland if the Applicant's preferred alternative is selected.

We note that there are approximately five acres of wetlands along the Sevier River that are mostly Tamarisk. Tamarisk, or Salt Cedar, is an invasive plant that absorbs large amounts of water and creates large deposits of salts thereby killing more desirable wetland plants. The STB may want to consider eradication of Tamarisk as part of the potential wetland restoration mitigation for some of the project impacts.

Rating

Consistent with Section 309 of the CAA, it is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures the EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, the EPA is rating this Draft EIS as Environmental Concerns-Insufficient Information, (EC-2). The "EC" rating indicates that the EPA review has identified environmental impacts that need to be avoided in order to fully protect the environment. The "2" rating indicates that the EPA has identified a need for additional information, data, analyses or discussion in the Final EIS in order for the EPA to

fully assess environmental impacts from the proposed project. A full description of the EPA's rating system can be found at: <http://www.epa.gov/compliance/nepa/comments/ratings.html>.

We look forward to reviewing more information on the proposed wetland mitigation in the final document. If you have any questions or would like to discuss our concerns in more detail, please contact me at (303) 312-6704. You may also contact Lisa Lloyd, NEPA lead reviewer, at (303) 312-6537 or by email at lloyd.lisa@epa.gov.

Sincerely,



Suzanne J. Bohan, Director
NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc: USACE Bountiful Office

